



**FEDERAL ELECTION COMMISSION**  
**Washington, DC 20463**

**JUL 28 2009**

**Michael E. Toner, Esquire**  
**Bryan Cave, LLP**  
**700 13<sup>th</sup> Street, NW, Suite 700**  
**Washington, DC 20005**

**RE: MUR 6166**  
**Republican Party of Minnesota**  
**Coleman Minnesota Recount Committee**  
**Anthony Sutton, in his official capacity as**  
**treasurer of both Committees**

**Dear Mr. Toner:**

On February 5, 2009, the Federal Election Commission notified your clients, the Republican Party of Minnesota, the Coleman Minnesota Recount Committee, and Anthony Sutton, in his official capacity as treasurer of both Committees, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended ("the Act"). On July 14, 2009, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe your clients violated the Act. Accordingly, the Commission closed its file in this matter.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Jack Gould, the attorney assigned to this matter at (202) 694-1650.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Allen".

**Mark Allen**  
**Assistant General Counsel**

**Enclosure:**  
**Factual and Legal Analysis**

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1 **FEDERAL ELECTION COMMISSION**

2 **FACTUAL AND LEGAL ANALYSIS**

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4 **Respondents: Republican Party of Minnesota and**  
5 **Anthony Sutton, in his official capacity**  
6 **as treasurer**

**MUR 6166**

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8 **Coleman Minnesota Recount Committee and**  
9 **Anthony Sutton, in his official capacity**  
10 **as treasurer**

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12 **I. INTRODUCTION**

13 This matter was generated by a complaint filed with the Federal Election Commission by  
14 Brian Melendez, Chair, Minnesota Democratic-Farmer-Labor Party. See 2 U.S.C. § 437g(a)(1).

15 **II. FACTUAL AND LEGAL ANALYSIS**

16 The Complaint alleges that the Republican National Lawyers Association ("RNLA")  
17 made prohibited contributions to the Republican Party of Minnesota and the Coleman Minnesota  
18 Recount Committee ("Respondent Committees"). The alleged prohibited contributions  
19 purportedly came from funds raised by the RNLA through a solicitation posted on the RNLA's  
20 website. The Complaint concludes that there is a "strong inference that the RNLA is supporting  
21 Coleman's recount efforts with soft money." Complaint at 3. The Complaint further alleges that  
22 the RNLA and the Respondent Committees failed to disclose the purported contributions in  
23 violation of the Federal Election Campaign Act of 1971, as amended (the "Act"). *Id.* at 4.

24 **A. The Available Information Does Not Support the Allegation that the**  
25 **RNLA Made Prohibited Contributions to the Respondent Committees**

26  
27 The Complaint alleges that the RNLA, which is registered with the Internal Revenue  
28 Service ("IRS") as a Section 527 organization and accepts corporate contributions, made  
29 prohibited contributions to the Respondent Committees. The Respondent Committees deny

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1 receiving any contributions from the RNLA, and their FEC disclosure reports do not indicate the  
2 receipt of any such contributions through March 31, 2009. The most recent disclosure report the  
3 RNLA filed with the IRS, covering the period through December 31, 2008, which appears to pre-  
4 date the RNLA solicitation, does not disclose any contributions to the Respondent Committees.

5 More broadly, the RNLA's IRS disclosure reports covering the period 2000-2008 do not  
6 disclose any contributions to a candidate for federal office or a political committee registered  
7 with the FEC. All of the RNLA's disclosed disbursements have been for staff salaries,  
8 contractors, and consultants. Accordingly, the available information does not support the  
9 Complaint's allegation that the RNLA has made prohibited contributions to the Respondent  
10 Committees.

11 **B. The Available Information Does Not Support the Allegation that the**  
12 **Respondent Committees Failed to Disclose Contributions**

13  
14 The Complaint alleges that if the Respondent Committees received contributions from the  
15 RNLA, they would have to disclose those contributions, which they failed to do. As discussed  
16 above, the available information does not indicate that the RNLA made any contributions to the  
17 Respondent Committees. Accordingly, the available information does not support this  
18 allegation.

19 **III. CONCLUSION**

20 Based on the foregoing, the Commission finds there is no reason to believe that the  
21 Republican Party of Minnesota, the Coleman Minnesota Recount Committee, and Anthony  
22 Sutton, in his official capacity as treasurer of both committees, violated the Act in this matter.

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